INVESTIGATIVE SUMMARY

On June 5, 1995, Chief Gerald Minnis, Professional Standards and Training Division, requested that the PSTD shooting review team respond to the East Los Angeles Station area to conduct an immediate review of an on-duty non-hit shooting incident involving ELA **Deputy Miguel A. Macedo, #**[redacted] Internal Affairs Bureau Lieutenant Ron Tardiff and Sergeants Mike Barnum and Katie Campbell responded, along with Deputy Tom Shannon, Training Bureau. The IAB shooting review was assigned to Internal Affairs Bureau Sergeant Mike Barnum.

On June 5, 1995 at 0213 hours, a "Possible Man with a Gun" call was dispatched to East Los Angeles unit 21 EM. The designated assisting units were unit 23 and unit 20S (Field Supervisor). Information in the call indicated that two male Hispanic adults wearing black clothing were armed, and had been seen walking in a residential area toward Rogers Street and City Terrace Drive. Additional information was given that the individuals had been seen loading a gun. Unit 21 was a two-deputy unit, comprised of Deputy Anthony **Camargo, #**[redacted](driver), and Deputy Miguel **Macedo, #**[redacted] (passenger). Deputy **Camargo** has been assigned to ELA for five years, while Deputy **Macedo** has been assigned to ELA for seven years. Both deputies are very familiar with the area, its gang members, and their habits.

Prior to responding to the call, Deputies **Camargo** and **Macedo** met with their sister unit, 22 EM (Deputies Dominguez and Soto) to discuss a tactical approach. Deputies **Camargo** and **Macedo** instructed unit 22 to respond west on City Terrace Drive from McGilvrey Avenue, then east on Rogers Street to cover a possible southern/western flight by the suspects, while they would respond north on McGilvrey Avenue to west on Rogers Street. Deputies **Camargo** and **Macedo** requested an aero unit; however, no air units were in service.

Deputies **Camargo** and **Macedo** arrived in the vicinity of McGilvrey Avenue and Rogers Street at 0218, five minutes after the call had been dispatched. As they approached this intersection, Deputy **Camargo** remained on the "L-Tac" frequency in order to effectively communicate with unit 22.

As Deputy **Camargo** drove the radio car onto westbound Rogers Street from McGilvrey Avenue, both deputies saw two male Hispanics walking in the middle of Rogers Street, eastbound toward their radio car. The suspects were approximately 50 yards away, and were wearing dark clothing. As Deputy **Camargo** slowly closed the distance toward these individuals, both deputies saw that the two suspects were conversing with each other. The two suspects began to widen the distance between themselves, and Deputy **Macedo** warned his partner of the obvious tactical threat posed by the suspects splitting apart. Deputy **Camargo** advised unit 22 via L-Tac that they had the suspects in sight. As the radio car and the suspects closed to a distance of 20-30 feet, both deputies saw (with illumination from headlights/spotlights) that the suspect on their left (identified as Suspect Manuel **Garcia,** MH/20) was holding a large blue steel handgun in his right hand. **Garcia** was holding the gun at his right side, pressed against his right leg, with the barrel pointed downward.

Deputy **Camargo** stopped the radio car approximately 15 feet from the suspects. As the car rolled to a stop, Deputy **Macedo** jumped out, drew his Beretta 9 mm pistol, pointed it at the armed suspect and ordered both suspects to stop and raise their hands. Simultaneously, **Garcia** began running diagonally across the remainder of the roadway, and east past the radio car, passing within 5-6 feet of the driver's side of the car. Deputy **Camargo,** who was still seated and attempting to place the

transmission in "park," drew his pistol and pointed it at **Garcia** as he passed. **Garcia** continued to hold his gun at his right side as he ran past the radio car.

Deputy **Macedo** continued pointing his pistol at **Garcia** as **Garcia** ran from the front of the radio car, past its left side, and east on the south sidewalk of Rogers Street. He remained behind the open passenger door, and aimed at **Garcia** over the roof of the car as **Garcia** ran. After **Garcia** had established a 30-40 yard lead, Deputy **Macedo** began running after him, east on Rogers Street. Deputy **Macedo** was not carrying his baton, which was left in the car door, or his flashlight. He is not certified to carry OC spray.

While Suspect **Garcia** was starting to run, the other suspect, Miguel **Serrano**, complied with Deputy **Macedo**'s initial commands by stopping in front of the radio car and raising his hands. After Deputy **Macedo** began chasing **Garcia**, Deputy **Camargo** detained **Serrano** at gunpoint, then approached him, forced him to the ground, and radioed for assistance regarding a foot pursuit while attempting to keep his partner in view.

After Deputy **Macedo** had chased **Garcia** approximately 116 yards east on Rogers Street to the front of [redacted], **Garcia** raised his gun towards Deputy **Macedo** while still running. **Garcia** was approximately 20 yards in front of Deputy **Macedo**. When Deputy **Macedo** saw **Garcia** pointing his gun toward him, he fired three rounds (Department-authorized 9 mm) from his Beretta at **Garcia**, missing him. Deputy **Macedo** stopped momentarily, took cover behind a parked car, and watched for **Garcia**'s next actions. Seeing that **Garcia** was continuing to run east on Rogers Street, Deputy **Macedo** resumed the chase, following **Garcia** at a distance of approximately 30-40 yards.

Deputy **Camargo** heard the gunshots, but could not see either Deputy **Macedo** or Suspect **Garcia** clearly. He quickly checked Suspect **Serrano** for weapons, then placed him unhandcuffed into the rear of the radio car. Deputy **Camargo** drove toward where he thought his partner had been running.

Suspect **Garcia** continued east on Rogers Street. Rogers Street ends at the intersection of the alley east of Gravois Avenue, but a pedestrian walkway continues east up a slight rise, terminating at the southwest corner of Eastern Avenue and Ramona Boulevard. **Garcia** ran up this walkway, and continued east across Eastern Avenue. On the opposite side of Eastern Avenue, Ramona Boulevard proceeds east along the south side of the San Bernardino Freeway. Rogers Street branches off of the Eastern Avenue/Ramona intersection, continuing east into a residential neighborhood. **Garcia** ran east on Rogers Street, then ran south in the alley just east of Eastern Avenue.

As **Garcia** reached the east side of the Eastern Avenue/Ramona Boulevard intersection, Deputy **Macedo** stopped momentarily and took cover behind a light post on the west side of that intersection (cumulative distance by Deputy **Macedo** to this point - 236 yards). Deputy **Macedo** radioed his location at this point, then continued after **Garcia**. Deputy **Macedo** saw **Garcia** turn into the alley, which is open to view from the west, and continue southbound in the alley. Deputy **Macedo** ran to the mouth of the alley, made an additional radio broadcast, and continued after **Garcia**. **Garcia** ran approximately 157 yards down the alley, then ran east into a dirt pathway between houses which leads up the hill to Helen Drive. Deputy **Macedo** lost sight of **Garcia** as he left the alley. He said he stopped after running approximately 104 yards down the alley, and waited for his partner to arrive in the radio car. Both deputies established a containment of the immediate area with the assistance of ELA units. The deputies eventually responded to the Command Post for

debriefing. Suspect **Garcia** was eventually captured at [redacted]. **Garcia's** weapon (a .22 cal. handgun) was not recovered. No one sustained any injuries during this entire incident.

The total distance run by Deputy **Macedo** was 396 yards. Suspect **Garcia** ran 439 yards, exited the alley, and continued an unknown distance before hiding at [redacted]

One Department-issue 9 mm shell casing was recovered from the sidewalk in front of [redacted], which is 116 yards from where the foot pursuit started. No expended bullets were located, and no damage from gunfire was discovered. No independent eyewitnesses to the shooting were located. Seven civilian witnesses residing at [redacted] stated they heard gunshots (refer to Exhibit B, Supplementary Report by Deputies Lupian and Cahhal). These witnesses reported hearing between one and five shots.

The District Attorney's office filed two counts of 417 (c) P.C. (felony) and 417.8 P.C. (felony) against Suspect **Garcia** in East Los Angeles Municipal Court on June 7, 1995. Suspect **Serrano** was released at East Los Angeles Station, with no charges filed.

During his interview with the PSTD response team on the morning of the incident, Deputy **Macedo** related several points: He said that when he and Deputy **Camargo** initially saw the suspects, he noted they were conversing, and split up when the radio car approached. He said he warned Deputy **Camargo** that the suspects were trying to split the deputies' attention. He said when he jumped from the still-rolling radio car and ordered the suspects to freeze after seeing **Garcia**'s gun, Suspect **Serrano** started to raise his hands when **Garcia** started running.

Deputy **Macedo** said he watched **Garcia** as he ran past the car, while pointing his Beretta at him. He said he saw in his peripheral vision that Deputy **Camargo** was exiting the car through the driver's door and focusing on the remaining suspect, **Serrano.** He said he ran after **Garcia,** ordered him to stop, and decided to only follow **Garcia** a short distance in the hope he would surrender voluntarily. He said he was not worried about his partner, because **Serrano** was non-aggressive and was complying with orders. He said he knew his assisting unit was within two blocks of their location.

Deputy **Macedo** said he was gaining on **Garcia,** and felt he could catch **Garcia.** He said he did not do so because he felt uncomfortable because **Garcia** was armed, and he feared **Garcia** might turn and fire at close range. He said he was within 20 yards of **Garcia** when **Garcia** raised his gun and pointed it at him while still running, and glanced back over his right shoulder. He said he fired three rounds at **Garcia** out of fear for his safety, then took cover momentarily behind a parked car, allowing **Garcia** to open the distance to 30-40 yards. He said before he fired, he saw that the backdrop was clear, with a 10-foot brick wall running along the north side of Rogers Street (this wall angles in, narrowing the street as it approaches the pedestrian walkway). He said he saw no persons or houses in the field of fire.

I.A.B. Note: The pedestrian walkway is a sidewalk which begins at the eastern terminus of Rogers Street, at the intersection with the north/south alley east of Gravois Avenue. The sidewalk proceeds up a slight rise, east toward the intersection of Eastern Avenue and Ramona Boulevard (approximately 15 feet above the level of Rogers Street). As the sidewalk begins to rise, two 10-foot walls run along its northern and southern sides, diminishing in height as the sidewalk continues up the rise. Additionally, the sidewalk angles slightly to

the northeast; no clear view is possible from the point where the deputy fired, to any point beyond the eastern terminus of Rogers Street.

A house is located on the [redacted] Due to a slight angling effect, the west side of this house was minimally exposed to Deputy **Macedo**'s rounds. No damage was found from any of the deputy's rounds.

Deputy **Macedo** stated he continued to run after **Garcia** at a safe distance (30-40 yards), just close enough to maintain visual contact and set up the eventual containment, since **Garcia** had now committed a felony assault on him. He said that at this point, he attempted to radio his position via his portable radio, but was unsuccessful. He said that he was successful in making three radio broadcasts: first, at the corner of Eastern Avenue and Ramona Boulevard; second, as he was entering the alley east of Eastern Avenue; and third, when he stopped in the alley.

During his interview with the PSTD response team on the morning of the incident, Deputy **Camargo** related several points: He said he and Deputy **Macedo** are familiar with the area of the call, and said both the "CT" ("City Terrace") and "Geraghty" gangs frequent the area. He said he first saw that Suspect **Garcia** had a gun when he was within 20-30 feet, and due to the fact that both his car and the suspects were closing on each other, he stopped the car within 15 feet of the suspects. He drew his Beretta with his right hand as the car was rolling to a stop, and struggled briefly to place the transmission lever in "park" with his left hand while he pointed his gun out the window at **Garcia** as he ran by. He said he felt **Garcia** was not an imminent threat, and was only trying to escape, because of the position he was holding his gun (at his right side). He saw Deputy **Macedo** begin chasing **Garcia** in his peripheral vision, as he changed his attention from **Garcia** to the other suspect, who had stopped in front of the car and was raising his hands. Deputy **Camargo** stated he recognized **Garcia** when he ran by him, and said he knew him by his moniker, "Stranger" from the "CT" gang. He said he knew **Garcia** would probably try to hide at [redacted] a known local gang hide-out for "CT" gang members.

Deputy **Camargo** stated both he and Deputy **Macedo** are experienced patrol deputies, and they have worked together for over three years. He said he had confidence that Deputy **Macedo** would not chase **Garcia** into a house, or through yards. He said foot pursuits are dangerous. He said he and Deputy **Macedo** have discussed their personal foot pursuit policy and procedures, and have practiced these procedures numerous times. He said they both agree that chasing a suspect through yards is unproductive and dangerous. He said they usually chase suspects together, but occasionally will separate. He said when that happens, they try to maintain visual contact with each other. He said when a suspect cuts through a yard, the partner chasing him will stop at the street and direct the containment. He said they usually catch everyone they chase, and don't like to lose suspects. He said he knew that Deputy **Macedo** would not get too close to **Garcia**, and would not put his life at risk to catch a suspect.

Deputy **Camargo** stated that when Deputy **Macedo** started after **Garcia**, he felt confident he would use good judgement, follow their personal foot pursuit procedures, and not close on an armed suspect. He said he elected to stay at the radio car and detain the other suspect because he was initially compliant, and had not been searched. He said he was concerned that if he turned around and started after his partner, the un-searched suspect might shoot him and/or his partner in the back. He said if the roles had been reversed, he would have chased **Garcia** alone.

Deputy **Camargo** stated his baton was in the trunk of the radio car, along with his OC spray. He said he does not have room on his Sam Browne for the OC spray. He said he carries a back-up weapon.

During his interview with the PSTD response team on the morning of the incident, Miguel **Serrano** related several points: He said he and **Garcia** were walking east on Rogers Street, coming from Hazard Park and the Whiteside area. He said they passed by the rival "Geraghty" gang area. He said as they saw the radio car turn onto Rogers Street in front of them, **Garcia** told him he was going to run. He said he told **Garcia** he could not run (because he has a bad hip). He said he did not know **Garcia** was carrying a gun until he saw **Garcia** being chased by a deputy, and heard a deputy say, "He has a gun."

> **I.A.B. Note:** During O.S.S. investigator Deputy Dana Duncan's interview of Miguel **Serrano, Serrano** stated he saw **Garcia** holding a large black .22 cal. handgun in his right hand before **Garcia** started running. Refer to Deputy Duncan's report in Exhibit B.

Serrano stated that after **Garcia** started running, he stopped and raised his hands. He said a deputy approached him and told him to get down. He said he went down to his knees, then heard three well-spaced shots. He said he did not see either **Garcia** or the deputy chasing him at that point.

During his interview with the PSTD response team on the morning of the incident, Suspect Manuel **Garcia** related several points: He said he was walking with **Serrano** on Rogers Street, coming from the Whiteside area. He said he was carrying a "Tech 22" automatic pistol in his right front pants pocket. He said the gun was unloaded, but that a loaded 30-round magazine was in his left front pants pocket. He said he always carries a gun for protection, due to the violent nature of the area. He said he has many guns.

Garcia stated that after he saw the radio car turn onto Rogers Street from McGilvrey Avenue and approach them, he told **Serrano** he was going to run because he had a gun. He said he told **Serrano** not to run yet, to wait until the radio car stopped, the deputies exited the car and ordered them to put their hands on the hood. As the radio car stopped, he heard a deputy say, "Stop, asshole. Stop." He said when the deputy ordered him to put his hands on the hood, he ran east on Rogers Street. He said that as he ran by the radio car, both deputies had exited, and one tried to grab his black "57" jersey.

Garcia stated that after he had run 10-15 yards, the gun in his pocket began to come out of his pocket. He said he placed his hand down and pressed against the gun through his jersey, holding it in place. He said he never took the gun out, and never pointed it at the deputy. He said he heard the deputy draw his weapon while chasing him, and worried he might be shot in the back. He said he did not turn around because he thought the deputy would shoot him. He said he did not think the deputy would shoot him if his back was turned. He said as he approached the east terminus of Rogers Street (at its intersection with the alley east of Gravois Avenue), he heard one shot behind him, and felt the bullet pass by his head. He said he heard one more shot, then the deputy yelled, "Stop!" He said he heard one last shot after the deputy commanded him to halt.

Garcia stated the deputy could not have seen his gun, but probably knew he had a gun because of the manner he was holding his hand against his jersey. He said he outran the deputy, hid the gun, and went to [redacted] where he went to sleep. He said when he was arrested later that morning, no force was used against him, and he was not hurt.

Garcia stated he does not carry loaded guns because of the fear of an accidental activation. He said it does not take long to feed the magazine into the pistol and activate the slide. He said the mere fear of being captured would not have caused him to shoot the deputy, but that if the deputy had shot him, he would have returned fire. He said he could have been a "real dick," turned around and "sprayed" the deputy. He said because he knew the deputy had drawn his weapon during the chase and most likely had it pointed at him, it would have taken him too long to feed the magazine, activate the slide, turn and fire without being shot.

I.A.B. Note: A diagram of the location of the shooting is included in this review as Exhibit D. A transcription of pertinent radio traffic and estimated times is included as Exhibit J.